

In re WARKHEDE ET AL., Application No. 10/042,847
Amendment A

REMARKS

The Office action dated January 26, 2005, and the references cited have been fully considered. In response, please enter the amendments presented herein and consider the following remarks. Reconsideration and/or further prosecution of the application is respectfully requested. No new matter is added herein. The amendments made to the claims will be discussed hereinafter in conjunction with their respective claim sets.

Applicants appreciate the Office's consideration of the submitted references and the return of the signed and dated 1449's indicating such. Note, Applicants filed an electronic IDS on April 25, 2005, (the same day that this response was filed), citing two recently issued patents to the same assignee of the present application in an electronic IDS. Applicants would appreciate receiving with the next Office action in this matter a signed and dated copy of the filed e1449 indicating the Office's consideration of these references.

Applicants appreciate the notification that claims 18-25 and 40-41 were allowed, and that the subject matter of each of claims 9, 10, and 28 was allowable. As the application has already been pending for an extended duration, Applicants have elected to "take the claims" in order to get the application issued, and reserve the right to seek additional claims and make arguments why certain claims are allowable over the prior art of record.

Note, there are several typographical errors in the Office Action Summary, such as there were only 41 claims pending, claims 9, 10, and 28 were objected to (not rejected), and claims 1-8, 11-17, 26, 27, and 29-39 were rejected (not objected to); and in the Office action, such as in paragraph 1 which states that 44 claims were previously pending, when it should state that claims 1-41 were examined. However, the text of the Office action makes clear that these were typographical errors.

The following will describe the claim amendments presented herein in regards to each of the pending claims sets.

- Each of the pending claims of the claim set consisting of claims 1-8 and 10-16 is believed to be allowable. The allowable subject matter of original claim 9 as indicated by the Office

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action was added to independent claim 1, with claim 9 being canceled, and claim 10 amended to depend from claim 1 (instead of canceled claim 9). Additionally, claim 17 (a computer readable media claim for performing the method of claim 1) was re-written in independent claim format as described herein after in relation to the new claim set consisting of claims 42-50, with the limitations of original claim 9 added. Also, claim 15 was amended to correct a typographical error so that the claim now ends in a period instead of a semicolon.

- Each of the pending claims of the pending claim set consisting of claim 18-24 is believed to be allowable as it was allowed in the Office action. Note, allowed dependent claim 25 (a computer readable media claim for performing the method of allowed claim 18) was re-written in independent claim format as described herein after in relation to the new claim set consisting of claims 51-57.
- Each of the pending claims 26-27 and 29-33 is believed to be allowable. The allowable subject matter of original claim 28 as indicated by the Office action was added to independent claim 26, with claim 28 being canceled.
- Each of the pending claims of the claims set consisting of claims 34-39 is believed to be allowable as independent claim 34 is a means plus function claim corresponding to pending independent claim 1, with limitations corresponding to the indicated allowed subject matter of original claim 9 added thereto.
- Each of the pending claims of the pending claim set consisting of claim 40-41 is believed to be allowable as it was allowed in the Office action.
- Each of the newly added claims of the claim set consisting of claims 42-50 is believed to be allowable as independent claim 42 corresponds to the combination of original claims 1, 9 (allowable subject matter) and 17 (dependent computer-readable media claim), and its dependent claims 43-50 corresponding to the limitations of original dependent claims 4, 6 (now depending from claim 4 instead of claim 1), 10, 12, and 13-16, with support provided at least for the same reasons as for these original pending claims.

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- Each of the newly added claims of the claim set consisting of claims 51-57 are believed to be allowable as they are computer-readable media claims corresponding to allowed claims 18-24, (i.e., claim 51 corresponds to canceled allowed claim 25).

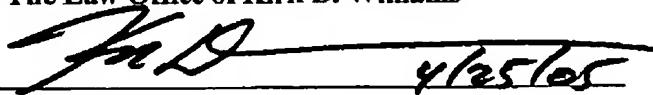
In view of the above remarks and for at least the reasons presented herein, all pending claims are believed to be allowable over the prior art of record, the application is considered in good and proper form for allowance, and the Office is respectfully requested to issue a timely Notice of allowance in this case. If, in the opinion of the Office, a telephone conference would expedite the prosecution of the subject application, the Office is invited to call the undersigned attorney.

Applicants believe that no extension of time is required; although, the Commissioner is hereby generally authorized under 37 C.F.R. § 1.136(a)(3) to treat this communication or any future communication in this or any related application filed pursuant to 37 C.F.R. § 1.53 requiring an extension of time as incorporating a request therefore, and the Commissioner is hereby specifically authorized to charge Deposit Account No. 501430 for any fee that may be due in connection with such a request for an extension of time. Moreover, the Commissioner is hereby authorized to charge payment of any fee due any under 37 C.F.R. §§ 1.16 and § 1.17 associated with this communication or any future communication in this or any related application filed pursuant to 37 C.F.R. § 1.53 or credit any overpayment to Deposit Account No. 501430.

Respectfully submitted,
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By


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